

13049 U.S. PTO



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PTO/SB/05 (01-04)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	044988-0307446
First Inventor	HEPBURN, Bonnie
Title	A Novel Formulation, Omeprazole Antacid Complex-Immediate Release, For Rapid and Sustained Suppression of Gastric Acid
Express Mail Label No.	EL989434583 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 98]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 29]
5. Oath or Declaration [Total Sheets]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Prior application information:

Examiner

Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☐ Customer Number: OR ☒ Correspondence address below

Name	JEFFREY W. GUISE		
Address	PILLSBURY WINTHROP, LLP		
	11682 EL CAMINO REAL, SUITE 200		
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Name (Print/Type)	JEFFREY W. GUISE	Registration No. (Attorney/Agent)	34,613
Signature		Date	20-Feb-04

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Services (Express Mail Label No. EL989434583 US) on the date shown below in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 20, 2004

By: Abigail Rivamonte
Abigail Rivamonte

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING NATIONAL PATENT APPLICATION
Under 35 USC 111

PATENT APPLICATION

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**NONPROVISIONAL
APPLICATION**

Sir:

Herewith is the PATENT APPLICATION of
Inventor(s): HEPBURN, Bonnie
GOLDLUST, Barry

Title A NOVEL FORMULATION, OMEPRAZOLE ANTACID
COMPLEX-IMMEDIATE RELEASE, FOR RAPID AND
SUSTAINED SUPPRESSION OF GASTRIC ACID

Atty. Dkt.: 026515-0307446
C-M Client Ref

including:

Date: 20-February-2004

1. Specification: 97 pages (only spec. and claims) 2. ☐ Specification in non-English language
3. Declaration ☐ Original ☐ Facsimile/Copy ☒ Abstract 1 page; 53 numbered claims
4. ☒ Drawings: 29 sheet(s) ☒ informal; ☐ formal of size: ☐ A4 ☐ 11"
5. ☐ See top first page re prior Provisional, National or International application(s). ("X" box only if info is there and do not complete corresponding item 6 or 7). (Prior M# _____ SN _____)
6. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. <u>60/448,627</u>	filed	<u>20-February-2003</u>
No. <u>/</u>	filed	_____
No. <u>/</u>	filed	_____
No. PCT <u>/</u>	filed	_____, which

designated the US.

7. ☐ See the attached Preliminary Amendment, which amends the specification to claim benefit of the above listed US application(s)
8. ☐ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
9. ☐ Assignee _____

Address _____

10. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in _____

11. _____ (country)

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	

(5)		(6)	
(7)		(8)	
(9)		<input type="checkbox"/> See 3 rd page for additional priorities	

12. _____ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) _____
in U.S. Application No. _____ / _____ filed on _____
13. Small entity status → ☐ is not claimed; ☒ is claimed (**Pre-filing confirmation required**)
- 13(a). ☐ Attached: _____ (No.) Small Entity Statement(s) (since 9/8/00 small entity statement(s) not essential to make claim)
- 13(b) ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (PAT-258)

14. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(4)	
(2)		(5)	
(3)		(6)	

15. ☐ This application is being filed under Rule 53(b)(2) since an inventor is named in the enclosed Declaration who was not named in the prior application.

16. ☐ Attached:

17. ☐ Preliminary Amendment:

18. This application is made by the following named inventor(s)

(1) Inventor		Bonnie	
First			
Residence	Escondido	HEPBURN	
City		Middle Initial	Family Name
Mailing Address	3639 Monte Real Escondido, CA	California/United States	US
(include Zip Code)	92029	State/Foreign Country	Country of Citizenship
(2) Inventor		Barry	
First			
Residence	Escondido	GOLDLUST	
City		Middle Initial	Family Name
Mailing Address	1733 W. Montecito Way, San Diego, CA	California/United States	US
(include Zip Code)	92103	State/Foreign Country	Country of Citizenship

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

				Large/Small Entity		Fee Code
19. Basic Filing Fee				\$770/\$385	\$385	1001/2001
20. Total Effective Claims	53	minus 20 =	33	x \$18/\$9 =	\$297	1202/2202
21. Independent Claims	5	minus 3 =	*2	x \$86/\$43 =	+ \$86	1201/2201
*If answer is zero or less, enter "0"						
22. If any proper multiple dependent claim (ignore improper) is present, add (Leave this line blank if this is a reissue application)				+ \$290/\$145	+ 0	1203/2203
23. TOTAL FILING FEE =				\$768		
24. If "non-English" box 2 is X'd, add Rule 17(k) processing fee				+ \$130	+ 0	1053
25. If "assignment" box 8 is X'd, add recording fee				+ \$40	+ 0	8021
26. <input type="checkbox"/> Attached is a Petition/Fee under Rule No.				+ \$130	+ 0	1808
27. TOTAL FEE =				\$768		
Our Deposit Account No. 50-2212				PLEASE CHARGE OUR DEP. ACCT.		
Our Order No.	026515	0307446				
	C#	M#				

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Please direct all future correspondence relating to this application to the following address:

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San Diego, CA 92130-2092
Tel: 619-234-5000

By Atty: Jeffrey W. Guise

Reg. No. 34,613

Sig: 

Fax: 858-509-4010

Tel: 858-847-4228

JWG/aar

NOTE: File in duplicate with 1 post card receipts (PAT-103) & attachments